

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA

v.

SEAN AARON SMITH

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CAUSE NO.: SA-23-CR-136-XR

FACTUAL BASIS FOR GUILTY PLEA

Had this case proceeded to trial, the United States was prepared to prove the following facts through the use of witnesses, expert witnesses, exhibits, and documents the following beyond a reasonable doubt:

1. San Antonio Fire Department (SAFD) Arson Bureau began investigating 22 cell tower fires in Northwest San Antonio beginning on April 10, 2021, which SAFD Arson determined to be arson. Through the course of the investigation, SAFD Arson Investigators, and the Texas Rangers identified the Defendant Sean Aaron Smith as the Subject. Per an SAFD Arson and Texas Rangers interview of eyewitnesses with direct knowledge, Smith conducted the arson activity and held anti-government sentiments. Witnesses reported Smith was on a “mission” to destroy the 5G towers because he hated the Government and they were spying on him.

2. **Count One, 18 U.S.C. § 844(i)**

On or about April 10, 2021, in the Western District of Texas, the Defendant, **SEAN AARON SMITH**, did maliciously attempt to damage and destroy, by means of fire property used

in interstate and foreign commerce and in any activity affecting interstate or foreign commerce, that is: a cellular telephone tower located at 1704 SW Loop 410, San Antonio, Texas. In violation of Title 18, United States Code, Section 844(i).

3. On April 10, 2021, an attempted arson was discovered at a cell tower located at 1704 SW Loop 410, San Antonio, belonging to Crown Castle/Sprint/T-Mobile. An ATT Cell Tower Technician discovered multiple areas of fire damage after the cell tower was losing power. The SAFD Arson investigator determined that the suspect attempted to cause fires in multiple places on and around the tower. Located at the scene were a green cigarette lighter, an electrical device not belonging to the victim, and two burned towels. Electrical damage was ruled out as a cause by the SAFD Arson investigator. Arson was determined to be the cause following standard ATF NFPA 921 protocols. Sean Smith's palm print was lifted from the cigarette lighter by the SAFD Arson investigator and examined by SAPD Latent Print Examiner.

4. **Count Two, 18 U.S.C. § 844(i)**

On or about May 8, 2021, in the Western District of Texas, the Defendant, **SEAN AARON SMITH**, did maliciously attempt to damage and destroy, by means of fire property used in interstate and foreign commerce and in any activity affecting interstate or foreign commerce, that is: a cellular telephone tower located at 1704 SW Loop 410, San Antonio, Texas. In violation of Title 18, United States Code, Section 844(i).

5. On May 8, 2021, a T-Mobile Technician was dispatched to the same cell tower location, 1704 SW Loop 410, after the tower lost power and he discovered another fire. The SAFD Arson investigator responded to the scene discovered extensive fire damage to the tower and other and the electrical panels. Arson was determined to be the cause following standard ATF NFPA 921 protocols. This arson damage was additional to the April 10 arson damage.

Both the fence and electrical cabinet locks were cut with wire or bolt cutters A red cigarette lighter and a black glove were located at the scene. The ATF lab did a DNA analysis and determined that Smith's DNA was on the glove. The arson investigator would testify that he is sure beyond a reasonable doubt that the glove was not there after the first fire.

6. **Count Three, 18 U.S.C. § 844(i)**

On or about May 24, 2021, in the Western District of Texas, the Defendant, **SEAN AARON SMITH**, did maliciously attempt to damage and destroy, by means of fire property used in interstate and foreign commerce and in any activity affecting interstate or foreign commerce, that is: a cellular telephone tower located at 1818 Hunt Lane, San Antonio, Texas. In violation of Title 18, United States Code, Section 844(i).

7. On May 24, 2021, the SAFD Arson investigator responded to a cell tower fire at 1818 Hunt Lane, San Antonio. The multiple fires caused damage to the tower, fiber optic cables, and other communication equipment. SAFD obtained video of Smith and his girlfriend walking towards the cell tower. Video from the tower shows Smith using charcoal lighter fluid as an accelerant to ignite a fire on the cell tower. Arson was determined to be the cause following standard ATF NFPA 921 protocols. An eyewitness stated they had direct knowledge the Defendant started this fire.

8. **Count Four, 18 U.S.C. § 844(i)**

On or about March 1, 2022, in the Western District of Texas, the Defendant, **SEAN AARON SMITH**, did maliciously attempt to damage and destroy, by means of fire property used in interstate and foreign commerce and in any activity affecting interstate or foreign commerce, that is: a cellular telephone tower located at 5705 Ingram Road, San Antonio, Texas. In violation of Title 18, United States Code, Section 844(i).

9. On March 1, 2022, the SAFD Arson investigator responded to a cell tower fire at 5705 Ingram Road, San Antonio. There was fire damage to the tower and communication equipment causing a loss of two service lines and partial service. Arson was determined to be the cause following standard ATF NFPA 921 protocols. The SAFD Arson investigator would testify that the same modus operandi for starting the fires was used in this arson. A pair of boxer shorts used to start the fire was located at the scene; the ATF Lab matched a hair in the shorts to Smith's DNA.

10. **Count Five, 18 U.S.C. § 844(i)**

On or about April 29, 2022, in the Western District of Texas, the Defendant, **SEAN AARON SMITH**, did maliciously attempt to damage and destroy, by means of fire property used in interstate and foreign commerce and in any activity affecting interstate or foreign commerce, that is: a cellular telephone tower located at 918 Bandera Road, San Antonio, Texas. In violation of Title 18, United States Code, Section 844(i).

11. On April 29, 2022, the SAFD Arson investigator responded to a smoldering cell tower fire at 918 Bandera Road, San Antonio. The fiber optic lines and communications equipment were damaged by the fire. According to the SAFD Arson investigator, the fire scene matched the other fire scenes where fabric and accelerants were used to light the fires on the equipment. Arson was determined to be the cause following standard ATF NFPA 921 protocols. The security fence had been cut open and two Gatorade bottles were found with accelerant; the bottles were sent off to the DPS lab for accelerant analysis and to the FBI lab for fingerprint analysis. The FBI lab confirmed that Smith's fingerprints were on the bottle. Video footage obtained at the site of one of the cell tower fires identified a red Chevy Cruze. The video shows Smith in the vehicle around the location right after the fire was set.

12. **Count Six, 18 U.S.C. § 844(i)**

On or about May 2, 2022, in the Western District of Texas, the Defendant, **SEAN AARON SMITH**, did maliciously attempt to damage and destroy, by means of fire property used in interstate and foreign commerce and in any activity affecting interstate or foreign commerce, that is: a cellular telephone tower located at 12955 Huebner Road, San Antonio, Texas. In violation of Title 18, United States Code, Section 844(i).

13. On May 2, 2022, the SAFD Arson investigator responded to 12955 Huebner Road, San Antonio for a cell tower next to a U.S. Post Office. There was heavy fire damage to the tower that reached to the very top of the tower damaging the fiber optics and communication equipment. Arson was determined to be the cause following standard ATF NFPA 921 protocols. An eyewitness can place Smith at a vehicle nearby the location of tower immediately prior to and after the tower was set on fire. The eyewitness can also testify regarding the Defendant's arson activities and his anti-government sentiments. The witness can testify the Defendant stated that he was "on a mission to destroy the 5G towers because he hated the government, and they were spying on him."

Respectfully submitted,

JAIME ESPARZA
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/s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of August 2023, a true and correct copy of the foregoing instrument was hand-delivered to the following CM/ECF participant:

Marina Douenat

/s/

MARK T. ROOMBERG
Assistant United States Attorney